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C O N F I D E N T I A L VIENNA 001793

SIPDIS

STATE FOR PM/WRA - PICO AND EUR/AGS - VIKMANIS-KELLER

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SUBJECT: DEMARCHE TO AUSTRIA: SA/LW NEGOTIATIONS ON
MARKING AND TRACING

REF: STATE 99866

Classified By: Economic-Political Counselor Gregory E. Phillips. Reason: 1.4 (c) and (d).

1. (SBU) EconPolCouns presented reftel points on June 1 to Norbert Hack, the Austrian Foreign Ministry's assistant secretary-level Director of the Disarmament and

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Non-Proliferation Department. Hack will represent Austria at the June 6-17 negotiating session in New York.

2. (C) Hack said Austria subscribed to the EU consensus on the draft text. Austria's positions on the issues are as follows:

-- Legally binding vs. political document: In keeping with the EU consensus, Austria wants the instrument to be legally binding. Hack said, "I don't think there's flexibility on the EU's part" on this issue. Hack said the EU feared that an instrument which was not legally binding would have no effect on national policy. Beyond that, Hack argued, if the instrument were merely a political document, many countries might treat it as a political substitute for the Firearms Protocol, and would not ratify the latter document.

-- Ammunition: Austria, like the rest of the EU, thinks the instrument should deal with ammunition. This could, however, be in the form of an annex or a protocol "on a voluntary basis." Hack noted that the Firearms Protocol deals with ammunition as well. He acknowledged that the issue of how to mark ammunition was "difficult."

-- Record keeping: Hack said Austria agreed with our position that 30 year retention was unrealistic, and thought ten years might be better.

-- Marking: The EU position "goes beyond the U.S. position," Hack asserted.

3. (C) On the end game, we stressed, and Hack agreed, that there should be a consensus document. Hack said he very much hoped there could be a resolution of outstanding issues in the upcoming session of the OEWG. Concerning consultations among participating states, he said the EU participants had naturally coordinated their positions. We argued that if there was to be a consensus document, those participating in the negotiating session had to be in a position to enter into a real give and take, even if they came to the table with instructions based upon an EU consensus. Hack said he believed the EU member state representatives would indeed be able to hammer out an agreement. Hack agreed that an instrument without the agreement of all the participants -- especially the U.S. -- would be "worthless."

Brown